

House Engrossed Senate Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 317

SENATE BILL 1264

AN ACT

AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3016.01; AMENDING TITLE 41, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 41; RELATING TO THE ARIZONA DEPARTMENT OF HOMELAND SECURITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 27, article 2, Arizona Revised Statutes,
3 is amended by adding section 41-3016.01, to read:

4 41-3016.01. Arizona department of homeland security;
5 termination July 1, 2016

6 A. THE ARIZONA DEPARTMENT OF HOMELAND SECURITY TERMINATES ON JULY 1,
7 2016.

8 B. TITLE 41, CHAPTER 41 IS REPEALED ON JANUARY 1, 2017.

9 Sec. 2. Title 41, Arizona Revised Statutes, is amended by adding
10 chapter 41, to read:

11 CHAPTER 41

12 ARIZONA DEPARTMENT OF HOMELAND SECURITY

13 ARTICLE 1. GENERAL PROVISIONS

14 41-4251. Definitions

15 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

16 1. "DEPARTMENT" MEANS THE ARIZONA DEPARTMENT OF HOMELAND SECURITY.

17 2. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

18 41-4252. Arizona department of homeland security; director;
19 deputy director; assistant directors; divisions

20 A. THE ARIZONA DEPARTMENT OF HOMELAND SECURITY IS ESTABLISHED. THE
21 DIRECTION, OPERATION AND CONTROL OF THE DEPARTMENT ARE THE RESPONSIBILITY OF
22 THE DIRECTOR.

23 B. THE GOVERNOR SHALL APPOINT THE DIRECTOR PURSUANT TO SECTION 38-211.
24 THE DIRECTOR SHALL ADMINISTER THE DEPARTMENT AND SERVE AT THE PLEASURE OF THE
25 GOVERNOR. THE DIRECTOR IS ENTITLED TO RECEIVE COMPENSATION AS DETERMINED
26 UNDER SECTION 38-611. THE DIRECTOR SHALL APPOINT A DEPUTY DIRECTOR AND,
27 SUBJECT TO LEGISLATIVE APPROPRIATION, MAY APPOINT THOSE ASSISTANT DIRECTORS
28 AS THE DIRECTOR DEEMS APPROPRIATE. THE POSITIONS OF DIRECTOR AND DEPUTY
29 DIRECTOR ARE EXEMPT FROM CHAPTER 4, ARTICLES 5 AND 6 OF THIS TITLE RELATING
30 TO THE STATE SERVICE.

31 C. TO BE ELIGIBLE FOR APPOINTMENT AS DIRECTOR A PERSON MUST HAVE A
32 BACKGROUND OR EXPERIENCE IN ONE OR MORE OF THE FOLLOWING AREAS:

33 1. PUBLIC ADMINISTRATION.

34 2. DISASTER RESPONSE.

35 3. LAW ENFORCEMENT.

36 4. BUSINESS ADMINISTRATION.

37 D. THE DIRECTOR MAY ORGANIZE THE DEPARTMENT INTO DIVISIONS THE
38 DIRECTOR DEEMS APPROPRIATE.

39 41-4253. Department employees

40 SUBJECT TO CHAPTER 4, ARTICLES 5 AND 6 OF THIS TITLE, THE DIRECTOR
41 SHALL EMPLOY, DETERMINE THE CONDITIONS OF EMPLOYMENT OF AND SPECIFY THE
42 DUTIES OF ADMINISTRATIVE, SECRETARIAL AND CLERICAL EMPLOYEES THE DIRECTOR
43 DEEMS NECESSARY.

1 41-4254. Department powers and duties

2 THE DEPARTMENT SHALL:

3 1. FORMULATE POLICIES, PLANS AND PROGRAMS TO ENHANCE THE ABILITY OF
4 THIS STATE TO PREVENT AND RESPOND TO ACTS OF TERRORISM AND OTHER CRITICAL
5 HAZARDS.

6 2. DEVELOP A STATEWIDE HOMELAND SECURITY STRATEGY.

7 3. REQUEST APPROPRIATIONS OR GRANTS OF MONIES FOR HOMELAND SECURITY
8 PURPOSES.

9 4. PROVIDE TO THE ARIZONA DEPARTMENT OF HOMELAND SECURITY COORDINATING
10 COUNCIL THE LIST OF APPROPRIATIONS OR GRANTS THAT ARE REQUESTED FROM THE
11 FEDERAL GOVERNMENT FOR HOMELAND SECURITY PURPOSES.

12 5. RECEIVE ALL MONIES APPROPRIATED OR GRANTED TO THIS STATE BY THE
13 FEDERAL GOVERNMENT FOR HOMELAND SECURITY PURPOSES AND PROVIDE TO THE ARIZONA
14 DEPARTMENT OF HOMELAND SECURITY COORDINATING COUNCIL THE AMOUNT OF THESE
15 MONIES AND THE DIRECTOR'S DETERMINATION AS TO THE ALLOCATION OF THESE MONIES
16 TO THE VARIOUS GRANTEEES.

17 6. DISTRIBUTE MONIES TO LOCAL JURISDICTIONS AND OTHER ORGANIZATIONS
18 ELIGIBLE UNDER FEDERAL REGULATIONS BASED ON CRITERIA IN THE STATEWIDE
19 HOMELAND SECURITY STRATEGY AND FEDERAL GRANT GUIDELINES.

20 7. COORDINATE WITH OTHER STATE AND FEDERAL AGENCIES TO PUBLISH A GUIDE
21 FOR GRANTEEES THAT RECEIVE HOMELAND SECURITY MONIES. THE GUIDE SHALL ENSURE
22 THAT MONIES DISTRIBUTED BY THE DEPARTMENT:

23 (a) ARE COORDINATED ACROSS ALL LEVELS OF GOVERNMENT.

24 (b) AVOID DUPLICATION OF GRANT AWARDS.

25 (c) ELIMINATE SECURITY GAPS IN EVERY LEVEL OF GOVERNMENT.

26 8. CONDUCT PREPAREDNESS TRAINING EXERCISES TO PUT STATE DISASTER PLANS
27 INTO PRACTICE AND IDENTIFY SHORTCOMINGS IN THE PLANS.

28 9. ASSIST IN THE DEVELOPMENT OF REGIONAL RESPONSE PLANS, INCLUDING
29 COLLABORATIVE EFFORTS WITH OTHER STATES.

30 10. PARTNER WITH AND INVOLVE THE PRIVATE SECTOR IN PREPAREDNESS
31 EFFORTS.

32 41-4255. Report

33 A. ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE DEPARTMENT OF HOMELAND
34 SECURITY AND THE DEPARTMENT OF HEALTH SERVICES SHALL SUBMIT A HOMELAND
35 SECURITY ALLOCATION AND EXPENDITURE REPORT TO THE GOVERNOR, THE PRESIDENT OF
36 THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE CHAIRPERSON OF
37 THE SENATE APPROPRIATIONS COMMITTEE, THE CHAIRPERSON OF THE HOUSE
38 APPROPRIATIONS COMMITTEE, THE STAFF AND COCHAIRPERSONS OF THE JOINT
39 LEGISLATIVE BUDGET COMMITTEE AND THE MEMBERS OF THE JOINT LEGISLATIVE
40 COMMITTEE ON HOMELAND SECURITY.

41 B. THE DIRECTOR SHALL PROVIDE A COPY OF THE REPORT TO THE SECRETARY OF
42 STATE AND THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC
43 RECORDS. THE DEPARTMENT MAY REDACT SENSITIVE INFORMATION CONTAINED IN THE
44 REPORT IF NECESSARY.

- 1 C. THE REPORT SHALL INCLUDE:
- 2 1. EACH LOCAL AND STATE PROJECT THAT WAS AWARDED FUNDING FOR THE
- 3 CURRENT YEAR.
- 4 2. EXPENDITURES FOR EACH LOCAL AND STATE PROJECT THAT WAS AWARDED
- 5 FUNDING FOR THE CURRENT YEAR.
- 6 3. EXPENDITURES FROM FEDERAL APPROPRIATIONS AND GRANTS THAT WERE USED
- 7 BY THE DEPARTMENT FOR ADMINISTRATIVE AND STATE AGENCY PURPOSES.
- 8 4. A NARRATIVE DESCRIPTION DETAILING EACH STATE PROJECT AWARDED
- 9 FUNDING, INCLUDING THE GOALS AND OBJECTIVES OF EACH STATE PROJECT.
- 10 5. THE PROGRESS MADE ON EACH PROJECT SINCE THE LAST REPORT.
- 11 6. PROJECT AWARDS AND EXPENDITURES FROM PRIOR YEARS BEGINNING WITH
- 12 FISCAL YEAR 2001-2002.
- 13 7. A DETAILED PLAN ON HOW HOMELAND SECURITY EFFORTS WILL BE CONTINUED
- 14 IN THE EVENT OF DECREASED FEDERAL FUNDING.
- 15 41-4256. Arizona department of homeland security coordinating
- 16 council; appointment; terms
- 17 A. THE ARIZONA DEPARTMENT OF HOMELAND SECURITY COORDINATING COUNCIL IS
- 18 ESTABLISHED.
- 19 B. THE COORDINATING COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:
- 20 1. TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES WHO ARE APPOINTED BY
- 21 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND WHO ARE MEMBERS OF DIFFERENT
- 22 POLITICAL PARTIES.
- 23 2. TWO MEMBERS OF THE SENATE WHO ARE APPOINTED BY THE PRESIDENT OF THE
- 24 SENATE AND WHO ARE MEMBERS OF DIFFERENT POLITICAL PARTIES.
- 25 3. THE DIRECTOR OF THE ARIZONA DEPARTMENT OF AGRICULTURE OR THE
- 26 DIRECTOR'S DESIGNEE.
- 27 4. THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES OR THE DIRECTOR'S
- 28 DESIGNEE.
- 29 5. THE DIRECTOR OF THE UNITED STATES CUSTOMS AND BORDER PROTECTION OR
- 30 THE DIRECTOR'S DESIGNEE.
- 31 6. EIGHTEEN MEMBERS WHO ARE APPOINTED BY THE GOVERNOR, WHO SERVE THREE
- 32 YEAR TERMS BEGINNING JULY 1 AND WHO ARE THE FOLLOWING PERSONS OR THEIR
- 33 DESIGNEES:
- 34 (a) A MAYOR.
- 35 (b) A CITY MANAGER.
- 36 (c) TWO REPRESENTATIVES FROM AN INSTITUTION OF HIGHER EDUCATION.
- 37 (d) A POLICE CHIEF FROM A CITY WITH A POPULATION OF MORE THAN ONE
- 38 MILLION PERSONS.
- 39 (e) A SHERIFF FROM A JURISDICTION IN A COUNTY WITH A POPULATION OF
- 40 FOUR HUNDRED THOUSAND OR MORE PERSONS BUT LESS THAN ONE MILLION TWO HUNDRED
- 41 THOUSAND PERSONS.
- 42 (f) A SHERIFF FROM A JURISDICTION IN A COUNTY WITH A POPULATION OF
- 43 LESS THAN FOUR HUNDRED THOUSAND PERSONS.
- 44 (g) AN EMERGENCY COORDINATOR.
- 45 (h) A COUNTY ADMINISTRATOR.

1 (i) A REPRESENTATIVE FROM ONE OF THE ARIZONA UNITED STATES
2 CONGRESSIONAL OFFICES.

3 (j) TWO PUBLIC MEMBERS.

4 (k) A REPRESENTATIVE FROM AN INDIAN TRIBAL GOVERNMENT.

5 (l) A PUBLIC HEALTH REPRESENTATIVE.

6 (m) TWO FIRE SERVICE REPRESENTATIVES.

7 (n) A REPRESENTATIVE FROM THE OFFICE OF FIRE, BUILDING AND LIFE
8 SAFETY.

9 (o) A REPRESENTATIVE OF A VOLUNTEER SERVICES CORPORATION.

10 C. AT THE FIRST MEETING HELD AFTER JULY 1 OF EACH YEAR, THE
11 COORDINATING COUNCIL SHALL ELECT A CHAIRPERSON AND VICE-CHAIRPERSON.

12 D. THE COORDINATING COUNCIL SHALL MEET ON THE CALL OF THE CHAIRPERSON
13 BUT AT LEAST QUARTERLY. NO ACTIONS MAY BE TAKEN WITHOUT A QUORUM PRESENT.

14 E. THE COORDINATING COUNCIL AT A PUBLIC HEARING SHALL:

15 1. RECEIVE THE LIST OF REQUESTS FOR STATE HOMELAND SECURITY GRANT
16 PROGRAM MONIES THAT ARE DEVELOPED BY EACH REGIONAL ADVISORY COUNCIL.

17 2. RECEIVE FROM THE DIRECTOR THE DIRECTOR'S REQUEST OF STATE HOMELAND
18 SECURITY GRANT PROGRAM MONIES THAT ARE REQUESTED FROM THE FEDERAL GOVERNMENT.

19 3. RECEIVE FROM THE DIRECTOR THE AMOUNT OF APPROPRIATIONS OR GRANTS TO
20 THIS STATE BY THE FEDERAL GOVERNMENT FOR HOMELAND SECURITY PURPOSES AND THE
21 DIRECTOR'S ALLOCATION OF THESE MONIES TO THE JURISDICTIONS AND OTHER
22 ORGANIZATIONS ELIGIBLE TO RECEIVE THESE MONIES.

23 F. THE COORDINATING COUNCIL SHALL PROVIDE ADVICE TO THE DIRECTOR
24 REGARDING ISSUES THAT RELATE TO HOMELAND SECURITY.

25 G. MEMBERS ARE NOT ELIGIBLE TO RECEIVE COMPENSATION BUT ARE ELIGIBLE
26 FOR REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.

27 41-4257. Joint legislative committee on homeland security;
28 membership; powers and duties

29 A. THE JOINT LEGISLATIVE COMMITTEE ON HOMELAND SECURITY IS ESTABLISHED
30 CONSISTING OF THE FOLLOWING MEMBERS WHO HAVE AN INTEREST IN AND FAMILIARITY
31 WITH ISSUES AND PROGRAMS CONCERNING HOMELAND SECURITY:

32 1. FIVE MEMBERS OF THE SENATE APPOINTED BY THE PRESIDENT OF THE
33 SENATE, NOT MORE THAN THREE OF WHOM ARE MEMBERS OF THE SAME POLITICAL PARTY.
34 THE PRESIDENT OF THE SENATE SHALL DESIGNATE ONE MEMBER AS COCHAIRPERSON.

35 2. FIVE MEMBERS OF THE HOUSE OF REPRESENTATIVES APPOINTED BY THE
36 SPEAKER OF THE HOUSE OF REPRESENTATIVES, NOT MORE THAN THREE OF WHOM ARE
37 MEMBERS OF THE SAME POLITICAL PARTY. THE SPEAKER OF THE HOUSE OF
38 REPRESENTATIVES SHALL DESIGNATE ONE MEMBER AS COCHAIRPERSON.

39 B. THE COMMITTEE SHALL MEET WHENEVER COMMITTEE MEMBERS CONSIDER IT
40 NECESSARY, EXCEPT THAT THE COMMITTEE SHALL NOT MEET MORE THAN TEN TIMES EACH
41 YEAR UNLESS THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
42 REPRESENTATIVES AGREE TO ADDITIONAL MEETINGS. THE COMMITTEE SHALL MEET AT
43 LEAST ANNUALLY TO REVIEW GRANT ALLOCATIONS AND EXPENDITURES AS REPORTED BY
44 THE GOVERNOR'S OFFICE OF HOMELAND SECURITY.

1 C. THE COMMITTEE SHALL:

2 1. HAVE ACCESS TO ALL HOMELAND SECURITY GRANT INFORMATION ON REQUEST
3 OF A CHAIRPERSON OF THE COMMITTEE OR A MAJORITY VOTE OF THE COMMITTEE.

4 2. PROVIDE A FORUM FOR PERSONS TO EXPRESS THEIR CONCERNS ABOUT STATE
5 PROGRAMS THAT RELATE TO HOMELAND SECURITY.

6 3. MAKE ADMINISTRATIVE AND LEGISLATIVE RECOMMENDATIONS CONCERNING
7 HOMELAND SECURITY ISSUES.

8 D. THE COMMITTEE HAS THE AUTHORITY CONFERRED BY LAW ON LEGISLATIVE
9 COMMITTEES.

10 E. MEMBERS OF THE COMMITTEE SHALL BE REIMBURSED BY THEIR RESPECTIVE
11 HOUSES IN THE SAME MANNER PROVIDED BY LAW FOR A MEMBER OF THE LEGISLATURE WHO
12 ATTENDS A DULY CALLED MEETING OF A STANDING COMMITTEE.

13 F. THE COMMITTEE MAY USE THE SERVICES OF LEGISLATIVE STAFF.

14 41-4258. Arizona department of homeland security regional
15 advisory councils; appointment; terms

16 A. THE ARIZONA DEPARTMENT OF HOMELAND SECURITY REGIONAL ADVISORY
17 COUNCILS ARE ESTABLISHED.

18 B. A TOTAL OF FIVE COUNCILS ARE ESTABLISHED AS FOLLOWS:

19 1. THE NORTH REGION IS COMPOSED OF THE JURISDICTIONS CONTAINED IN THE
20 COCONINO, NAVAJO AND APACHE COUNTY BOUNDARIES. NO MORE THAN THREE MEMBERS OF
21 THE COUNCIL MAY BE FROM ANY ONE COUNTY.

22 2. THE EAST REGION IS COMPOSED OF THE JURISDICTIONS CONTAINED IN THE
23 GRAHAM, GREENLEE, GILA AND PINAL COUNTY BOUNDARIES. NO MORE THAN THREE
24 MEMBERS OF THE COUNCIL MAY BE FROM ANY ONE COUNTY.

25 3. THE SOUTH REGION IS COMPOSED OF THE JURISDICTIONS CONTAINED IN THE
26 PIMA, SANTA CRUZ, COCHISE AND YUMA COUNTY BOUNDARIES. NO MORE THAN THREE
27 MEMBERS OF THE COUNCIL MAY BE FROM ANY ONE COUNTY.

28 4. THE WEST REGION IS COMPOSED OF THE JURISDICTIONS CONTAINED IN THE
29 MOHAVE, LA PAZ AND YAVAPAI COUNTY BOUNDARIES. NO MORE THAN THREE MEMBERS OF
30 THE COUNCIL MAY BE FROM ANY ONE COUNTY.

31 5. THE CENTRAL REGION IS COMPOSED OF THE JURISDICTIONS CONTAINED IN
32 THE MARICOPA COUNTY BOUNDARIES.

33 C. EACH REGIONAL ADVISORY COUNCIL CONSISTS OF TWELVE MEMBERS WHO SERVE
34 FOR A TERM OF TWO YEARS AND WHO LIVE OR WORK IN THE REGION THEY REPRESENT.

35 D. THE GOVERNOR SHALL APPOINT EACH MEMBER OF A REGIONAL ADVISORY
36 COUNCIL. THE ARIZONA DEPARTMENT OF HOMELAND SECURITY COORDINATING COUNCIL
37 SHALL RECOMMEND PERSONS TO BE CONSIDERED BY THE GOVERNOR FOR APPOINTMENT,
38 EXCEPT THAT THE REPRESENTATIVES OF THE LEGISLATURE ON THE COORDINATING
39 COUNCIL SHALL RECOMMEND THE PERSONS TO BE CONSIDERED FOR APPOINTMENT AS THE
40 TWO AT-LARGE MEMBERS. THE MEMBERSHIP OF THE COUNCILS CONSISTS OF:

41 1. A REPRESENTATIVE OF A FIRE SERVICE FROM AN URBAN OR SUBURBAN AREA
42 IN THE REGION.

43 2. A REPRESENTATIVE OF A FIRE SERVICE FROM A RURAL AREA IN THE REGION.

44 3. A POLICE CHIEF.

45 4. A COUNTY SHERIFF.

1 5. A TRIBAL REPRESENTATIVE.
2 6. AN EMERGENCY MANAGER.
3 7. A MAYOR.
4 8. A COUNTY SUPERVISOR.
5 9. TWO AT-LARGE MEMBERS.
6 10. A REPRESENTATIVE FROM THE DEPARTMENT OF PUBLIC SAFETY.
7 11. A PUBLIC HEALTH REPRESENTATIVE.
8 E. AT THE FIRST MEETING HELD AFTER JULY 1 OF EACH YEAR, EACH REGIONAL
9 ADVISORY COUNCIL SHALL ELECT A CHAIRPERSON AND VICE-CHAIRPERSON.
10 F. EACH REGIONAL ADVISORY COUNCIL SHALL MEET ON THE CALL OF THE
11 CHAIRPERSON BUT AT LEAST QUARTERLY. NO ACTIONS MAY BE TAKEN WITHOUT A QUORUM
12 PRESENT.
13 G. THE REGIONAL ADVISORY COUNCIL SHALL:
14 1. DEVELOP, IMPLEMENT AND MAINTAIN REGIONAL HOMELAND SECURITY
15 STRATEGIES.
16 2. SUPPORT AND ASSIST IN IMPLEMENTATION OF ARIZONA'S COMPREHENSIVE
17 STATEWIDE RISK ASSESSMENT.
18 3. SUPPORT AND ASSIST AN INTEGRATED REGIONAL APPROACH TO HOMELAND
19 SECURITY IN THIS STATE.
20 4. ESTABLISH BASELINE PREVENTION AND RESPONSE CAPABILITIES THROUGH
21 ANCHOR CITIES CONSISTENT WITH STATE AND REGIONAL PLANS.
22 5. COLLABORATE WITH OTHER REGIONAL COUNCILS AND ORGANIZATIONS TO
23 ENSURE SUCCESSFUL INTEGRATION OF HOMELAND SECURITY PROGRAMS AND INITIATIVES.
24 6. DEVELOP A LIST OF REQUESTS FOR STATE HOMELAND SECURITY GRANT
25 PROGRAM MONIES AND FORWARD THESE REQUESTS TO THE DIRECTOR. BEFORE FORWARDING
26 THESE REQUESTS TO THE DIRECTOR, THE REGIONAL ADVISORY COUNCIL SHALL PRESENT
27 THE REQUESTS TO THE ARIZONA DEPARTMENT OF HOMELAND SECURITY COORDINATING
28 COUNCIL.
29 7. RECOMMEND ALLOCATION OF STATE HOMELAND SECURITY GRANT PROGRAM
30 MONIES TO ELIGIBLE JURISDICTIONS AND OTHER ORGANIZATIONS BASED ON REGIONAL,
31 STATE AND FEDERAL CRITERIA.
32 H. MEMBERS ARE NOT ELIGIBLE TO RECEIVE COMPENSATION BUT ARE ELIGIBLE
33 FOR REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.
34 Sec. 3. Purpose
35 Pursuant to section 41-2955, subsection E, Arizona Revised Statutes,
36 the purpose of the Arizona department of homeland security is to enhance the
37 ability of this state to prevent and respond to acts of terrorism and other
38 critical hazards in this state.

APPROVED BY THE GOVERNOR JUNE 13, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 13, 2006.